

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 JAN 25 PM 1:23

UNITED STATES OF AMERICA,

Plaintiff,

v.

Brijido RANGEL-Diaz,

Defendant

Magistrate Docket No.

08 MJ 02 25

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **January 23, 2008** within the Southern District of California, defendant, **Brijido RANGEL-Diaz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25<sup>th</sup> DAY OF JANUARY 2008

Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Brijido RANGEL-Diaz****PROBABLE CAUSE STATEMENT**

On January 23, 2008, Supervisory Border Patrol Agent J. Mielke was performing Infrared Scope operations in the Chula Vista Border Patrol area of operations. At approximately 6:00 p.m. Agent Mielke observed a group of eleven individuals walking north near an area commonly known as Diablo Canyon. This area is approximately four miles east of the Otay Mesa, California, Port of Entry and a half mile north of the United States/Mexico International Border.

Agent Mielke relayed his observations, via service radio, to Border Patrol Agent M. Deponte, who responded to the area, and after a brief search found all eleven individuals. Agent Deponte identified himself as a U.S. Border Patrol Agent and conducted an immigration interview. All eleven subjects, including one later identified as the defendant **Brijido RANGEL-Diaz**, admitted to being citizens and nationals of Mexico illegally in the United States, without any documents that would allow them to legally enter or remain in the United States. All eleven individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 19, 2007** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.